

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 29, 2000**

## DIVISION ONE

B137460      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Josephine D.

The appeal is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B135309 People (Not for Publication)  
v.  
Williams

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B137972 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

November 29, 2000-Continued

## DIVISION ONE (Continued)

B140829      People                      (Not for Publication)  
v.  
Braxton

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B141358      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Steve C.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

B140028      People                          (Not for Publication)  
v.  
**Williams**

The finding that defendant's prior assault conviction in case A012944 constituted a serious felony within the meaning of the "Three Strikes" Law is reversed and defendant's sentence is vacated. The matter is remanded for a new trial on the prior serious felony conviction allegation relating to case number A012944 and for resentencing. In all other respects the judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

November 29, 2000-Continued

## DIVISION ONE (Continued)

B137203      Donley      (Not for Publication)  
v.  
City of Long Beach et al.

The appeal is dismissed. Respondents to recover costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B139067 People (Not for Publication)  
v.  
Martha E.

The judgment (order continuing wardship) is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Spencer, P.J.  
Mallano, J.

## DIVISION ONE (Continued)

[illegible]

The judgment is vacated. The matter is remanded for a new sentencing hearing. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION TWO

B136430      Hanian      (Not for Publication)  
v.  
Reliance National Indemnity Company et al.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

B137358      County of Los Angeles      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Crystal B., et al., minors, r.p.i.)

Because the trial court has already responded to our alternative writ by vacating its prior order improperly granting relief from the claim-filing requirements, we need not issue a writ of mandate. The stay of all proceedings previously imposed by this court is lifted. The parties shall bear their own costs. The alternative writ is discharged.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B137907      People      (Not for Publication)

v.

Aldo Leyva

We order the abstract of judgment be corrected. The clerk of the Superior Court, upon issuance of the remittitur, is ordered to correct the abstract of judgment to reflect: (1) that the total sentence is life with the possibility of parole, plus 25 years to life, plus 8 months; (2) that the sentence as to count 2 is stayed; (3) that the 25 years to life imposed pursuant to Penal Code section 12022.53, subdivision (d) is not stayed; and (4) that the sentence on count 1 with regard to the substantive offense is life with the possibility of parole. The clerk of the superior court is ordered to forward a corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FOUR

B137639     Howard Jarvis Taxpayers  
              v.  
              City of Los Angeles

Filed order certifying opinion for publication.

B138592     Schwartz                                 (Not for Publication)  
              v.  
              National Casualty Company

The judgment is affirmed.

Curry, J.

We concur:   Vogel (C.S.), P.J.  
                  Epstein, J.

B130801     Parker                                         (Not for Publication)  
              v.  
              Glenny

The judgment is affirmed. Defendants are to have their costs on appeal.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                  Hastings, J.

B135295     Baro     (Not for Publication)  
              v.  
              Baker

The judgment is affirmed. Each party to bear their own costs.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                  Hastings, J.

DIVISION FOUR (Continued)

B137728      California Coastal Commission      (Not for Publication)  
                 v.  
                 Allen

The judgment is affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

B140517      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Parketta G.

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

B135945      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Sandra A.

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

DIVISION FOUR (Continued)

B141464      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Neal B.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Curry, J.

B137929      Porter      (Not for Publication)  
                 v.  
                 Los Angeles County Metropolitan Trans. Authority

The judgment is affirmed. Costs on appeal are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B141725 People v. Robert Colberg  
B142576 People v. Milton M.

Argument waived, cause submitted.



DIVISION FIVE (Continued)

B135528     Marilou Russell  
               v.  
               Daniel K. Jenkins

Appearances:  
Charles W. Funaro II for appellant and no appearance for respondent.  
Argument waived, cause submitted.

B139374     People  
               v.  
               Ronald Lee Adams

Merits:  
Argued by A. William Bartz for appellant and by Thien Huong Tran,  
deputy attorney general, for respondent. Cause submitted.

B137310     People  
               v.  
               Kenneth Wayne Carlisle

Merits:  
Argued by Sharon L. Rhodes for appellant and by Ana R. Duarte, deputy  
attorney general, for respondent. Cause submitted.

B135528     Etelvina Bernabe  
               v.  
               Sajahtera, Inc.

Merits:  
Argued by John J. Manier for appellant and by Amanda L. McClintock for  
respondent. Cause submitted.

DIVISION FIVE (Continued)

B135799 Gulf Insurance Company  
v.  
TIG Insurance Company

Merits:

Argued by Larry A. Rothstein for appellant and by James G. Boedecker for respondents. Cause submitted.

Court recessed.

Court reconvened at 11:00 A.M.

Present: Grignon, J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B138485 People v. Michael Martinez  
B138879 People v. Roosevelt Watkins and Derral Wayne Blackston  
B139249 People v. Francis Pedroza  
B139518 D.C.F.S. v. Yolanda T.

Argument waived, cause submitted.

B137533 People  
v.  
Roque A. Jacobo

Merits:

Argued by Maxine Weksler for appellant and by Rama R. Maline, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B133740     Martin Atkinson-Barr  
              v.  
              Agoura Pony Baseball et al.

Merits:

Argued by Martin Atkinson-Barr, appellant in propria persona, and by  
Pamela Sirkin and Alan L. Trock for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Grignon, J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy  
Clerk.

B141623     Hyun v. Bang  
  
              Argument waived, cause submitted.

B137268     Brandy Peltz et al.  
              v.  
              Torrance Unified School District

Merits:

Argued by Richard E. Habeck for appellants and by J. Peter Fiske for  
respondent. Cause submitted.

B137269     Rai-Nasha Harris  
              v.  
              Jawed Ghias et al.

Appearances:

John McCoy Credell for appellant and by Jim Meier for respondents.  
Argument waived.

Court adjourned.

## DIVISION SEVEN

B128048      Stuppler                                  (Not for Publication)  
v.  
Goldline International, Inc.

The judgment is affirmed. Respondent to recover its costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B141695 Southwest Museum (Not for Publication)  
v.  
John Farquhar et al.

The judgment of the superior court is affirmed. Respondent to recover its costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B132347 Steven Spina (Not for Publication)  
v.  
California Fair Plan Association

The summary judgment is reversed and on remand the trial court is directed to deny Fair Plan's motion for summary judgment. Spina is entitled to costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

DIVISION SEVEN (Continued)

B137925      United Alloys, Inc.                      (Not for Publication)  
                 v.  
                 United Hercules, Inc.

The summary judgment is reversed and the cause is remanded to the trial court with directions to deny the motion for summary judgment. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.

B127703      Stewart's Portable X-Ray, Inc., et al.              (Not for Publication)  
                 v.  
                 Symphony Diagnostic Services, No. 1, Inc.

The judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.

B141910      Digre    (Not for Publication)  
                 v.  
                 County of Los Angeles

The judgment is affirmed. Respondent shall recover its costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                 Woods, J.